

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ANGELA FAYE MOORE,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-06588

COLOPLAST CORP.,

Defendant.


MEMORANDUM OPINION AND ORDER

Pending is Defendant Coloplast Corp.’s Motion for Partial Summary Judgment, filed May 13, 2019. [ECF No. 41]. In the motion, Coloplast Corp. (“Coloplast”) moves for partial summary judgment as to the following counts: Count II, Count III, Count IV, Count V, Count VI, Count VII, Count VIII, Count IX, Count XI, Count XII, Count XIII and Count XVII. Plaintiff responds, in part, by stating that she will not pursue Counts III, V, VI, VII, VIII, IX, XI, XII and XIII, but that she does oppose Coloplast’s Motion as to Counts II, IV and XVII. [ECF No. 46]. Coloplast has replied [ECF No. 50].

Plaintiff might well have moved to dismiss the claims she do not intend to pursue. In any event, summary judgment is appropriate on all claims where “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56; *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986). Because plaintiff has acknowledged she does not intend to pursue Counts III, V, VI, VII, VIII, IX, XI, XII and XIII, the court **ORDERS** that Coloplast’s Motion for Partial Summary Judgment [ECF No. 41] is **GRANTED as to these counts and is otherwise DENIED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record.

ENTER: September 10, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE